

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,	§	
Plaintiff	§	
	§	
v.	§	NO. 3:10-CV-0787-D
	§	
REAL PROPERTY KNOWN AS	§	
DREAM LODGE MOTEL LOCATED AT	§	
1900 INTERSTATE 30, GREENVILLE,	§	
HUNT COUNTY, TEXAS, INCLUDING	§	
ALL BUILDINGS, APPURTENANCES, AND	§	
IMPROVEMENTS THEREON,	§	
Defendant <i>In Rem</i> .	§	

PLAINTIFF'S AGREED MOTION FOR FINAL JUDGMENT OF FORFEITURE

The Plaintiff United States of America ("the Government") asks the Court to enter a final judgment of forfeiture for the following reasons:

1. The Government filed its Complaint for Forfeiture against the defendant property on April 19, 2010, alleging that the defendant property was subject to forfeiture pursuant to 21 U.S.C. § 881(a)(7). [docket #1]
2. A Process Receipt and Return form on file indicates that notice of the forfeiture action was posted at the defendant property on April 28, 2010. [docket #3].
3. A Process Receipt and Return form on file indicates that notice of this forfeiture action was published on an official Government Internet site (www.forfeiture.gov) for at least 30 consecutive days, beginning on April 24, 2010, pursuant to Rule

G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. [docket #13].

4. A Certificate of Service on file indicates that named potential claimant Kishorbhai Bhakta was sent notice of this forfeiture action, including a copy of the Complaint for Forfeiture, on April 23, 2010 via certified U.S. mail (return receipt requested) and regular U.S. mail, in accordance with Rule G(4)(b) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions. [docket entry #5]. Mitul, Inc. - Bhakta's corporation - filed a Claim to the defendant property on June 11, 2010. [docket #9].
5. Hunt County, Texas and Hunt Memorial Hospital District ("the Taxing Authorities") filed a Claim to the defendant property and an Answer to the Complaint on June 7, 2010. [docket #6 and #8].
6. The Government and Mitul, Inc. have entered into a Stipulation of Forfeiture in which Mitul, Inc. agreed to forfeit the defendant property to the Government. [docket #16]. Additionally, the Government and the Taxing Authorities have entered into a Stipulation of Forfeiture in which the Government agreed to pay the Taxing Authorities, in the event the defendant property is forfeited to the Government and after entry of a final judgment forfeiting it and its lawful disposal through sale or otherwise, the *ad valorem* taxes on the defendant property - \$1,293.57 (as of July 2010) and a pro-rated portion of the 2010 tax.

7. Pursuant to Rule G(5)(ii)(B) of the Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions, the deadline to file a claim to the defendant property was 60 days after the first date of the Internet publication on www.forfeiture.gov (June 23, 2010). That deadline has passed, and no other person or entity besides Mitul, Inc. and the Taxing Authorities have appeared concerning the defendant property. Therefore, any and all others' interest in the defendant property should be extinguished.
8. THEREFORE, the Government moves for entry of a final judgment forfeiting the defendant property to the Government and pursuant to the Stipulations between the parties.

Respectfully submitted,

JAMES T. JACKS
United States Attorney

/s/ John J. de la Garza III
Assistant United States Attorney
1100 Commerce St., Third Floor
Dallas, Texas 75242-1699
Telephone: 214.659.8682
Facsimile: 214.659.8803
Texas Bar No. 00796455
john.delagarza@usdoj.gov

CERTIFICATE OF CONFERENCE

I certify that on or about September 17, 2010 I held a conference via electronic mail with David Brown and Ray Singh, attorneys for Mitul, Inc., following their receipt of a copy of this Motion and the accompanying proposed Agreed Final Judgment of Forfeiture via electronic mail, and that they are in agreement with this Motion and the relief requested by it, as evidenced by their handwritten signatures on a copy of the proposed Agreed Final Judgment of Forfeiture.

I also certify that on or about August 23, 2010 I held a conference via electronic mail with Lori Robertson, attorney for the Taxing Authorities, following her receipt of a copy of this Motion and the accompanying proposed Agreed Final Judgment of Forfeiture via electronic mail, and that she is in agreement with this Motion and the relief requested by it, as evidenced by her signature on a copy of the proposed Agreed Final Judgment of Forfeiture.

/s/ John J. de la Garza III

Assistant United States Attorney

CERTIFICATE OF SERVICE

I certify that on September 17, 2010 I electronically filed this document with the Clerk of the Court for the United States District Court, Northern District of Texas, using the electronic case filing (“ECF”) system. The ECF system will send a “Notice of Electronic Filing” to all parties who have consented in writing to accept the Notice as service of this document by electronic means.

/s/ John J. de la Garza III

Assistant United States Attorney